

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Thomas E. Smith,

Plaintiff,

-against-

The City of New York et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 5/20/2022

1:21-cv-06833 (JGK) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, on October 4, 2021, the Court entered an Order of Service that, among other things, directed non-party Rite Aid Pharmacy to identify the John Doe employee and John Doe security guard named in the Complaint, as well as provide the full name of Theft Prevention Security Guard Service and directing the Clerk of Court to mail a copy of the Order to the Rite Aid Pharmacy at 2170 Frederick Douglass Blvd., New York, NY 10026 (Order of Service, ECF No. 7, at 4); and

WHEREAS, on October 5, 2021, the Clerk of Court mailed a copy of the Order of Service as directed (*see* 10/5/2021 docket text entry); and

WHEREAS, on December 28, 2021, the Court entered an Order stating that it did not appear that Rite Aid properly had been served with the Court's Order of Service and instructing the Clerk of Court to mail a copy of the Order of Service along with a copy of the December 28, 2021 Order to C T Corporation System, 28 Liberty Street, New York, NY 10005, the registered agent of Rite Aid of New York, Inc., which the Court determined might be the corporate entity responsible for the Rite Aid Pharmacy located at 2170 Frederick Douglass Blvd. where events relevant to this action occurred (12/28/2021 Order, ECF No. 16); and

WHEREAS, it appearing that the December 28, 2021 Order was never mailed, on March 17, 2022 the Court entered an Amended Order directing the Clerk of Court to mail the Order of Service and the 12/28/2021 Order, along with the 3/17/2022 Order to C T Corporation System and extending the deadline for Rite Aid to provide to Plaintiff and to the Court, the information set forth in the Order of Service until May 2, 2022 (3/17/2022 Order, ECF No. 21); and

WHEREAS, the three Orders were mailed to C T Corporation System the same day (see 3/17/2022 docket text entry); and

WHEREAS, the Court has not received from Rite Aid a response to the Order of Service; and

WHEREAS, on May 5, 2022, the Court scheduled a telephone conference for June 10, 2022 to discuss the status of this action (5/5/2022 Order, ECF No. 24); and

WHEREAS, on May 17, 2022, Plaintiff filed a letter addressed to District Judge Koeltl seeking to impose monetary sanctions upon Rite Aid in the amount of \$5,000 per day for failure to comply with the Court's Orders (Pl.'s 5/17/2022 Letter, ECF No. 25); and

WHEREAS, on the current record the Court cannot determine whether the proper Rite Aid entity has been served.

NOW, THEREFORE, it is hereby Ordered as follows:

1. The Clerk of Court is respectfully requested to mail a copy of this Order, along with the Order of Service filed at ECF No. 7 and the Court's 12/28/2021 and 3/17/2022 Orders, filed at ECF Nos. 16 and 21, to: (1) Rite Aid Corporation Attn: General Counsel Paul Gilbert, 30 Hunter Lane, Camp Hill, PA 17011; and (2) Rite Pharmacy, 2170 Frederick Douglass Blvd., New York, NY 10026.

2. The deadline for Rite Aid to provide, to Plaintiff and to the Court, the information set forth in the Order of Service is extended until June 20, 2022.
3. The Clerk of Court is respectfully requested to mail a copy of this Order to Plaintiff and to note service on the docket.

**SO ORDERED.**

Dated: New York, New York  
May 20, 2022

  
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STEWART D. AARON  
United States Magistrate Judge